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The deteriorating human rights situation in the Occupied Palestinian Territory, including East Jerusalem

Written submission by the Palestinian Independent Commission for Human Rights*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Palestinian Independent Commission for Human Rights,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with A status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights.

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Annex

The Independent Commission for Human Rights (ICHR) presents its compliments to you and pays a high tribute to your diligent effort and action to monitor the situation of human rights in the occupied Palestinian territory (oPt) and human rights violations committed by the occupying Power. ICHR also highly appreciates your pursuit to expose these violations and to promote and protect human rights.

Having been following with great concern the deteriorating situation in the Gaza Strip; ICHR calls upon you to investigate the excessive, disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian citizens. ICHR also requests you to look into the grave violations of human rights and International Humanitarian Law (IHL), committed by the Israeli occupying forces in Gaza. Potentially amounting to war crimes, these violations were perpetrated against the peaceful Great March of Return and protests against the blockade on Gaza. Rallies marked the 70th anniversary of the Nakba, displacement of Palestinians from their land, and denial of the right to self-determination.

Since the Great March of Return began on 30 March, Monday, 14 May 2018, was the bloodiest day. In grave violation of the right to life and right to peaceful assembly, a total of 58 citizens, including 43 civilians, were killed. Of these, six were children. Another 1,697 Palestinians, including 288 children, 70 women, 12 journalists and three medics, were injured. Israeli snipers fired expanding bullets, rubber-coated steel bullets and tear gas grenades on demonstrators. At the invitation of the Higher National Commission for the March of Return and Breaking the Siege, hundreds of thousands of Palestinians, including senior citizens, children and women, marched to the border fence with Israel east and north of the Gaza Strip and participated in the Great March of Return. Between 30 March and 14 May 2018, the death toll was 86 citizens, including 12 children, two journalists and three persons with disabilities. A total of 6,106 civilians were injured, including 860 children, 158 women, 54 journalists, and 29 medics.

According to ICHR documentation, on 14 May 2018, fire was opened on peaceful demonstrators on the Gaza border, preventing them from exercising and claiming their right to freedom of expression, right to peaceful assembly, and rights enshrined in the International Human Rights Law and IHL. Demonstrations did not pose a threat to the Israeli occupying troops, who were positioned at a long distance from the protestors. This unveils a premeditated intent to kill and inflict as many casualties as possible to intimidate demonstrators.

According to Article 147 of the Fourth Geneva Convention of 1949, the loss of lives in Gaza amounts to wilful killing and grave violations, including wilfully causing great suffering or serious injury to body or health,. It also amounts to war crimes under Article 8(2)(a)(i) of the Rome Statute of the International Criminal Court (ICC).

Israeli crimes were perpetrated in parallel with a tightened sea, air and land blockade imposed on Gaza for more than 11 years, resulting in deteriorating humanitarian consequences and bringing public and basic service delivery to the verge of collapse.

In Gaza, Palestinians are challenged by a crippling humanitarian crisis and disastrous living conditions. Under siege, the health sector is impacted by harsh conditions, including short medicine and medical supplies and reduced access for patients, including civilians injured in recent events, to urgent treatment outside Gaza. Gaza is also affected by inadequate water supply, electricity cuts, high rates of poverty, and soaring unemployment.

The health sector in Gaza faces a significant burden and is virtually incapable of coping with the increasing number of casualties. Health workers are severely challenged by an acute shortage of medicines and medical supplies. Most cases need complex surgical operations, which have been scheduled depending on how critical each case is. The number of casualties far outweighs the capacity of hospital wards and operating theatres in Gaza, compounding the suffering of injured persons and raising the number of martyrs.

The Israeli crimes were perpetrated at the time the US government was moving its embassy to occupied Jerusalem, in grave violation of International Law and UN Security Council resolutions. Of these, Resolution 476, dated 20 August 1980, does not recognise the Israeli law on annexing Jerusalem and calls on States Parties to withdraw their diplomatic mission from the city. This US step has given the occupying power the green light to commit more crimes against Palestinians.

The ICHR warns against the continued use of lethal force by the Israeli occupying forces against citizens in peaceful demonstrations, who claim their right of return and lifting of the unjust siege on Gaza. Also warning against further losses of human life, the ICHR calls on you to step up to your legal and moral obligations and establish an independent and impartial commission of enquiry into the crimes and grave violations of human rights committed by the Israeli occupying authorities in Gaza. You need to ensure protection of citizens' lives and respect for their right to freedom of expression and right to peace assembly. Pressure should be exerted on the occupying Power to stop the use of lethal forces in Gaza.

The ICHR calls on you to exert pressure on the occupying Power and take concrete action to immediately lift the siege on Gaza and ensure the movement of persons and goods. The ICHR also calls for providing Gaza hospitals with medicines, emergency supplies, specialised medical teams, and allowing access for injured persons to receive medical attention outside Gaza.

The ICHR calls on the High Contracting Parties to the Fourth Geneva Convention to respect their obligations, ensure protection of the Palestinian people, and exert pressure on the international community to oblige the occupying Power to enforce International Law and hold it to account for grave breaches of human rights and IHL. The occupying Power should be held to account, both as a state and as individuals, punished and held criminally liable for perpetrating crimes against Palestinian civilians. The ICHR calls on the Office of the Prosecutor of the ICC to open an investigation into these crimes.